

SENATE JOURNAL.

TWENTY-NINTH LEGISLATURE—SECOND CALLED SESSION

FIRST DAY.

Senate Chamber, Austin Texas,
Monday, March 26, 1906.

In obedience to the proclamation of His Excellency, S. W. T. Lanham, Governor of the State of Texas, convening the Twenty-ninth Legislature in special session this the 26th day of March, 1906, the Senate met at 12 o'clock high noon, and was called to order by Lieutenant Governor George D. Neal.

The roll was called, a quorum being present, the following senators answering to their names:

A. P. Barrett of Fannin county, representing District No. 3, composed of the counties of Fannin and Lamar.

J. T. Beaty of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

Charles L. Brachfield of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

C. M. Chambers of Red River county, representing District No. 2, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

A. B. Davidson of DeWitt county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

D. E. Decker of Hardeman county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

J. J. Faulk of Henderson county, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

Joseph Faust of Comal county, representing District No. 21, composed of

the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

G. W. Glasscock of Williamson county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

George B. Griggs of Harris county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

Arch Grinnan of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

W. A. Hanger of Tarrant county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

J. L. Harbison of Grayson county, representing District No. 4, composed of the counties of Grayson and Cooke.

A. S. Hawkins of Taylor county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terrell, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

J. W. Hill of Tom Green county, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick and Mason.

W. M. Holland of Matagorda county, representing District No. 17, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

B. F. Looney of Hunt county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

R. W. Martin of Coryell county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

W. C. McKamy of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

D. A. Paulus of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

S. P. Skinner of Ellis county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

R. N. Stafford of Wood county, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

Tom P. Stone of McLennan county, representing District No. 11, composed of the counties of McLennan, Falls and Milam.

J. M. Terrell of Morris county, representing District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

John G. Willacy of San Patricio county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit and La Salle.

ABSENT.

A. J. Harper of Limestone county, representing District No. 12, composed of the counties of Limestone, Free-stone, Robertson and Brazos.

Marshall Hicks, of Bexar county, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

McDonald Meachum of Grimes county, representing District No. 15, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

Emory C. Smith of Denton county, representing District No. 31, composed of the counties of Denton, Wise and Montague.

C. C. Stokes of Houston county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

The Chair here announced that he was in possession of the certificates of election of O. P. Storm to fill the unexpired term of Senator J. M. Hale of the Nineteenth district, composed of the counties Burleson, Washington, Lee and Bastrop and requested Mr. Storm to approach the bar of the Senate, whereupon the oath of office was administered him.

Prayer by the Chaplain, Rev. H. M. Sears, as follows:

"O our eternal heavenly Father, we, Thy humble servants, present ourselves before Thee at this time and place with devout gratitude in our hearts for the gracious Providence that has pursued each of us since we last met in this place. We come together now for the purpose of attending to the interest of our great commonwealth and we pray for the presence of the Holy

Spirit to guide each one of us into things that will be best for the people of our great State. Bless the loved ones we have left at home; guide each member of this body through all the business of this session, through all coming life and, last, bring each of us in great peace to Thy kingdom through Jesus Christ our Lord. Amen."

PROCLAMATION.

The Chair then laid before the Senate the proclamation convening the Legislature in extraordinary session which reads as follows:

Proclamation.

I, S. W. T. Lanham, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution, do hereby call a Special Session of the Twenty-ninth Legislature to convene in the city of Austin, Texas beginning at twelve o'clock meridian Monday, March the 26th, A. D. 1906 for the following purposes, to-wit:

To provide for definitely determining the votes which candidates for party nominations for State and district offices shall receive in State and district political conventions, based upon the results of the primary elections held in the different counties of the State or of the district, as the case may be.

In witness whereof I have hereto set my hand and caused the seal of State to be affixed at Austin, Texas this the 26th day of February, A. D. 1906.

S. W. T. LANHAM,

(Seal) Governor of Texas.

By the Governor:

O. K. SHANNON,
Secretary of State.

SIMPLE RESOLUTION.

Senator McKamy offered the following resolution:

Resolved, That two committees of three members each be appointed, one to notify the Governor, the other to notify the House of Representatives that the Senate is duly organized and ready for the transaction of business.

The resolution was read and adopted.

COMMITTEES APPOINTED.

In accordance with the above adopted resolution, the Chair appointed the following committees:

To Notify the Governor — Senators McKamy, Hawkins and Grinnan.

To Notify the House of Representatives — Senators Chambers, Holland and Storm.

The committees immediately pro-

ceeded to perform their duties and made their reports and were discharged.

RESIGNATION OF ENROLLING CLERK.

The Chair presented the following resignation of the enrolling clerk, which was accepted by the Senate:

Hon. George D. Neal, Austin, Texas.

My Dear Governor—Owing to other important business engagements it will be impossible for me to attend the special session, and I therefore tender my resignation.

Thanking you and others for your many courtesies, I am,

Yours respectfully,

ELDRED MCKINNON.

SIMPLE RESOLUTION.

Senator Looney offered the following resolution, which was read and adopted:

Resolved that the Committee on Contingent Expenses, is hereby directed to ascertain and report to this body by 3 o'clock p. m. today, the number of officers and employees, whose services will be needed during this special session.

PAULUS,
LOONEY,
HANGER,
STONE,
HAWKINS.

INVITATION.

Senator Glasscock offered the following invitation:

Austin, Texas, March 26, 1906.

To the Honorable Members, Officers and Correspondents of the State Senate:

It affords the Austin Club peculiar pleasure to invite you to a reception given in its rooms at 9 o'clock Tuesday evening, 27th instant, in honor of the members of the present Legislature of Texas.

No admission cards required, the entertainment being informal and of old time Texas hospitality.

J. L. PEELER,
President.

EXECUTIVE MESSAGE.

The chair here laid before the Senate the following message from the Governor:

Executive Office,
State of Texas, Austin,
March 26, 1906.

To the Legislature:

By an unfortunate error in the enrollment of the bill entitled "An Act

to regulate elections," etc., which was passed at the Special Session of the Twenty-ninth Legislature in 1905, it appears that there were incorporated certain provisions which were not in fact adopted, and were not entitled to be recorded as expressing the legislative will and purpose. These provisions so erroneously enrolled are the first two sentences in Section 120 of said bill, and are contradictory of what immediately follows in the same section. By their terms, the candidate for any State or district office who receives a majority vote of all the votes cast in any county of the State or district (as the case may be) in the primary election, shall be entitled to the entire convention vote of such county in the convention called to nominate candidates. The next succeeding sentence, the validity and passage of which are questioned, provides that "Candidates for all State and district offices shall, in the nominating convention, have prorated among them the convention vote of each county in proportion to the vote cast for such candidate in the primary election in such county." However the error may have occurred, it seems necessary that it should be corrected.

This bill was received in the executive office shortly after the final adjournment of the Legislature. It was retained in the hands of the Governor for nearly a fortnight and was finally allowed to become a law without his signature. He believed that it contained many desirable improvements upon and useful amendments of the then existing law (the place of which it was intended to take in the statutes) and that it was unwise to destroy by his official disapproval the long and earnest work of the Legislature in its enactment.

The public dissatisfaction which has arisen in connection with the error mentioned, the adverse criticism to which it has been subjected and the possible serious results that may ensue if it shall be permitted to go unchanged and allowed to remain as it is, have been the subject of much discussion and need not be here elaborated. Very many of the members of the Legislature have expressed their desire that the necessary correction shall be made, the actual will of the lawmakers reflected and that, now for then, shall be accurately recorded in the section as it passed. How different soever may be the views of individual Senators and Representatives concerning the merits and policy of the propositions involved regarding the regulation and conduct of our primary elections and conventions, and notwithstanding some of them may not have approved the changes that have been made in the methods adopted for the government and action thereof, still it would seem

that for the sake of the integrity of legislation, they would not resist the correct recording of what has formerly been deliberately done in their respective bodies. The question is, will the Legislature expunge from the transcript of its previous work what was improperly inserted and re-write into law what it has heretofore written? To do this will involve no sacrifice of personal opinion and in no wise affect the position which may have been formerly taken by any legislator in opposition to the decision of the majority.

I respectfully recommend that Section 120, Chapter XI, Laws, Special Session of 1905, be so amended as to conform to the language and meaning in which it was finally passed by the Legislature. There does not appear to be any good reason why the purpose for which you have been summoned should not be expeditiously accomplished.

I deem it appropriate to make a brief and partial statement concerning the condition of the State. As you are aware there is litigation now pending in relation to certain of the laws enacted on the subject of taxation. What the result of this litigation will be, it is impossible to forecast, but I can not assume that it will be unfavorable to the State. It is believed that if these laws shall be upheld, there will be sufficient revenues afforded to meet all obligations upon our treasury under the appropriations heretofore made; and even if the settlement of the suits which have been instituted should be delayed, or if they should be finally decided against the state, it is hoped that in consequence of the increased ad valorem rate of taxation heretofore provided and the considerable addition to taxable values as shown by the last assessments, in connection with other sources of revenue not affected by pending contests in the courts, and the arrearages at the end of the present fiscal year will not be as large as has been generally supposed. I do not think it will be much, if any, in excess of the sum of \$350,000, and that it may not reach that amount is not improbable. There have been approved some deficiency estimates on account of urgent and unavoidable necessities in our quarantine operations and unforeseen conditions arising in certain other division of the public service. These, however, are quite moderate and independent of the amounts carried in our general appropriations, for which provision can be made at the next regular session of the Legislature.

The State has a claim against the Federal government on account of expenses incurred in the frontier protection approximating \$400,000, the payment of which it is hoped will be authorized during the present session of Congress and become available in our financial assets. Encouraging assur-

ances to this effect have been received. If our hopes shall be realized in this respect, the end of this fiscal year should find our treasury in a reasonably good condition, if not upon an actual cash basis. In any event, at that time, we shall be able to witness a great improvement over the situation that obtained on August 31, 1905. We are now paying all State warrants on presentation, and will continue so to do for some time—just how long can not be definitely stated. It is confidently expected that before the term of the present administration shall expire, the penitentiary system will turn into the State treasury, to the credit of the general revenue fund, a sum not less than \$150,000, and it is not unlikely that even a greater amount will be so placed. This system has been as well managed as capable and efficient men could possibly conduct so large and difficult a business as it has shown itself to be. If we shall be spared from flood and flame, and no unforeseen disasters shall occur, I have no doubt it will be practically demonstrated that this most important branch of our public service has been wisely administered and successfully operated in all its details. The rehabilitation of and practical results accomplished through the iron industry at the Rusk penitentiary it is hoped will prove to be not only profitable but a useful object lesson and cause of encouragement for investment in iron manufacture in those parts of the State where the material abounds.

The provision made by the present Legislature for additional buildings and increased facilities for the care of the insane will, I am informed, be effective within the next few months, whereby we will be able to accommodate a large number of patients. I sincerely hope that the ere long no lunatic will have to be confined in any unsuitable place. There are not so many applicants awaiting admission into our Insane Asylum as has been commonly supposed—for the reason that application has been made, quite frequently, at all three of these institutions for the admission of the same patient, and in the general estimate of the number of those confined in the jails, the same person has been more than once enumerated. It is not unreasonable to hope that the accommodations soon to be available at Terrell will be sufficient to relieve the unfortunate situation which has too long obtained. For further information I submit the following statement from Dr. John S. Turner, Superintendent of the North Texas Hospital for the Insane:

"Terrell, Texas, March 10, 1906.

"S. W. T. Lanham, Governor of Texas,
Austin, Texas:

"Dear Governor—Your favor to hand

regarding the progress of new buildings, etc., and in reply I beg to say that the addition to the male annex is now almost complete. The plumbing, steam heating and last floor are now completed and will be finished within about two weeks. The only chance for delay in its completion is the possibility of having a delay on the grates which cover the windows. The contractor has just informed me that he will be in position to have building accepted before or at most by April 15. The furniture for this building has been ordered some time, and we hope there will be no delay on that account. This building will admit 100 white men.

"The male annex No. 2 is now being plastered; has about half the floor laid and steam heaters and plumbers are at work in the building. It will probably be June or July before we can get this building; it will accommodate 200 white men.

"The female annex No. 2 is about half finished, the brick work now being up to top of second floor windows. We hope to get this building by last of June or July, and if there is no more delay in the future than in the past, we can safely count on all these buildings by the time I have specified.

"The last building mentioned will make room for 200 colored females, 112 of whom are now on hand, giving us room for about ninety new patients of that class. The space now occupied by the 112 colored women who will be moved to new building will be repaired and will accommodate 115 white ladies. The total accommodations of the new buildings will be about 500, giving us that number of additional or new patients. Very truly yours,

(Signed) "JOHN S. TURNER,
"Superintendent."

There is now on hand a considerable amount of money (something over \$426,000) belonging to the permanent school fund. This is because there has been a falling off during recent months in satisfactory bond offerings, and a great number of redemptions on former obligations, thus producing an unusual accumulation in the treasury. The State Board of Education has endeavored to invest this fund as fast and judiciously as possible, and at the best rates of interest that could be secured, and until recently there has been no difficulty in preventing any material congestion. The board has invested since December 21, 1904, \$1,256,000 in the purchase of bonds authorized by law, at an average rate of interest of 4.03 per cent. From January 20, 1903, up to December 31, 1904, it had similarly invested \$1,795,358 at an average rate of interest of 4.02 per cent, and \$128,700 at 5.02 per cent. In all, up to the 16th of this month, it has invested during this administration \$3,180,358, at the average rates of interest above

stated. There has not been a single default in the payment of interest on any bond purchased, and there is not in this respect a delinquent upon the books. It is hoped that desirable bonds may be offered in the near future and that the board may be able to continue to make investments as it has heretofore done in those securities the law contemplates. The board made an apportionment of \$5.25 per capita for 1905-06, for the benefit of the public free schools, an increase over that of preceding years.

There are many other matters of public interest that might be discussed in connection with the condition of the State's affairs and the conduct of its business, which will be deferred for a future occasion, when it will be in order to submit a more extended and comprehensive final statement, and fully show to a candid people "how the audit stands."

Let us be thankful that our people are generally healthful and prosperous, that we are in the midst of gratifying progress and development and that the prospect of the material welfare of the State is hopeful.

S. W. T. LANHAM,
Governor.

Executive Office, State of Texas,
Austin, March 26, 1906.

To the Senate:

I ask the advice and consent of the Senate to the following appointments which were made by me during the recess of the Senate, to wit:

W. H. Gill, of Anderson county, to be Chief Justice of the Court of Civil Appeals of the First Supreme Judicial District of Texas, vice C. C. Garrett, deceased.

T. S. Reese of Waller county to be Associate Justice of the Court of Civil Appeals of the First Supreme Judicial District of Texas, vice W. H. Gill, resigned.

Lewis Fisher of Galveston county to be Judge of the Tenth Judicial District of Texas, vice F. M. Spencer, resigned.

W. C. Wear of Hill county to be Judge of the Sixty-sixth Judicial District of Texas.

L. H. Brightman of Tom Green county to be District Attorney of the Fifty-first Judicial District of Texas, vice W. C. Brooks.

W. R. Davie of Tom Green county to be Tax Commissioner of the State of Texas.

M. E. Kleberg of Galveston county to be a member of the Board of Regents of the State University, vice R. Waverly Smith, resigned.

A. P. Wooldridge of Travis county to be a member of the Board of Pardon Advisers, vice H. E. Shelley, deceased.

Ben E. McCulloch of Hays county to

be a member of the Board of Managers of the Confederate Home, vice E. P. Reynolds, deceased.

F. W. James of Taylor county to be a member of the Board of Managers of the Epileptic Colony, vice D. L. Middleton, resigned.

S. G. Duff of Hunt county, H. Lubben of Galveston county, W. G. Jackson of Taylor county and T. L. Westerfield of Dallas county, to be members of the State Board of Dental Examiners. Respectfully, etc.,

S. W. T. LANHAM,
Governor.

COMMITTEE FROM HOUSE.

At this time a committee from the House of Representatives appeared at the bar of the Senate and reported that the House was organized and ready for business.

EXECUTIVE SESSION—TIME SET FOR.

Senator Hanger moved that tomorrow at 11 o'clock the Senate would sit in executive session to consider the appointments presented by the Governor.

The motion was adopted.

BILLS AND RESOLUTIONS.

By Senators Looney, Hanger, Willacy, Skinner, Brachfield, Stafford, McKamy, Hawkins, Stone, Faust, Hill, Paulus, Beaty.

Senate bill No. 1, a bill to be entitled "An Act to amend Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act to regulate elections and to provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions,' approved April 1, 1903."

Read first time, and referred to the Committee on Privileges and Elections.

By Senator Decker:

Senate bill No. 2, a bill to be entitled "An Act to amend Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act to regulate elections and to provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions,' approved April 1, 1903."

Read first time, and referred to the Committee on Privileges and Elections.

By Senator Hawkins:

Senate Joint Resolution No. 1, a reso-

lution relative to the death of ex-Governor Hogg, which provided for a memorial page in the Journal. (The memorial page appears elsewhere.)

EXCUSED.

On motion of Senator Willacy, Senator Meachum was excused from attendance upon the Senate for today on account of sickness in his family.

On motion of Senator Looney, Senator Hicks was excused from attendance upon the Senate for today on account of sickness in his family.

RECESS.

On motion of Senator Glasscock, the Senate recessed till 3 o'clock p. m.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

COMMITTEE REPORT.

Senate Chamber,
Hon. George D. Neal, President of the Senate:

Sir—We, your Committee on Privileges and Elections, to whom was referred

Senate bill No. 1, a bill to be entitled "An Act to amend Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act to regulate elections and to provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903 regulating elections, general, special and primary, and political conventions, approved April 1, 1903,'"

Have had the same under consideration and recommend that it do pass and be not printed, but be printed in full in the Journal.

(See bill in full in Appendix.)

Senator Looney moved that the Senate rule requiring committee reports to lay over for one day be suspended for the purpose of considering Senate bill No. 1.

Senator Glasscock raised a point of order on the motion, stating that the bill could not be considered on the same day it was introduced, etc.; also contending that the rule could not be suspended.

The Chair overruled the point of order.

The question then recurred on the motion to suspend the Senate rule, and the same was adopted by the following vote:

Yeas—20.

Barrett.	Chambers.
Beaty.	Davidson.
Brachfield.	Faulk.

Sacred to the Memory of

James Stephen Hogg

Whereas, It has pleased an all wise Providence in the course of His inscrutable wisdom to remove from the field of action ex-Governor James Stephen Hogg; therefore, be it

Resolved, by the Senate of the State of Texas and the House of Representatives, that in his death the State of Texas has cause to mourn, in that she has lost one of her ablest, truest, wisest and best of her distinguished sons; one who was patriotic, loyal and true to her every interest; one who as a public officer in the various positions which he filled, from justice of the peace to governor of this State, was fearless and honest in the discharge of every public duty; one who as a friend was sincere and true; one who as a father and the head of a family was the embodiment of all domestic virtues, sympathies and affections which we hold dear; one who in all the walks and avenues of life has left his indelible impress upon the history of this state along with Houston and other illustrious patriots gone before, and one who will be sadly missed by all; one whose name and memory all Texas and all liberty-loving people delight to honor; be it further

Resolved, That we tender to the bereaved family our sincere sympathy and condolence in their sad bereavement; that a page of the Journal of the Senate and House be set apart for this resolution, and that a copy thereof be sent to each member of the family of the deceased.

HAWKINS,
LOONEY,
FALLK,
GLASSCOCK.

The resolution was unanimously adopted by a rising vote.

Faust.
Grinnan.
Hanger.
Hawkins.
Hill.
Holland.
Looney.
McKamy.

Paulus.
Skinner.
Stafford.
Stone.
Storm.
Terrell.
Willacy.

Nays—4.

Decker.
Glasscock.

Griggs.
Terrell.

Absent.

Harbison.
Harper.
Martin.

Smith.
Stokes.

Absent—Excused.

Hicks.

Meachum.

On motion of Senator Looney, the committee report was adopted by the following vote:

Yeas—22.

Barrett.
Beaty.
Brachfield.
Chambers.
Davidson.
Faulk.
Faust.
Griggs.
Grinnan.
Hanger.
Hawkins.

Hill.
Holland.
Looney.
McKamy.
Paulus.
Skinner.
Stafford.
Stokes.
Stone.
Storm.
Willacy.

Nays—3.

Decker.
Glasscock.

Terrell.

Absent.

Harbison.
Harper.

Martin.
Smith.

Absent—Excused.

Hicks.

Meachum.

REASON FOR VOTING.

I vote "no" on adoption of committee report because I have had no opportunity to read the bill. TERRELL.

On motion of Senator Looney the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—21.

Barrett.
Beaty.
Brachfield.

Chambers.
Davidson.
Faust.

Griggs.
Grinnan.
Hanger.
Hawkins.
Hill.
Holland.
Looney.
McKamy.

Paulus.
Skinner.
Stafford.
Stokes.
Stone.
Storm.
Willacy.

Nays—4.

Decker.
Faulk.

Glasscock.
Terrell.

Absent.

Harbison.
Harper.

Martin.
Smith.

Absent—Excused.

Hicks.

Meachum.

The Chair laid before the Senate, on its second reading,

Senate bill No. 1 (see committee report above for caption).

Senator Faulk offered the following amendment:

Amend by striking out all after the enacting clause and insert in lieu thereof, the following:

Sec. 120. Those candidates for nomination for State district offices who have received a majority of all the votes cast for all candidates for such nomination at the primary election, as shown by the returns thereof, and approved by the State district convention, shall be declared the nominees of the party for such offices. In case no candidate for such office has received a majority of the vote cast in the primary election, then the State district convention shall proceed to nominate a candidate for such offices in the manner and upon the basis following.

Each candidate shall be entitled to such part of each county vote in the convention as the vote cast for him in each county bears to the entire vote cast in the primary election in that county, the same to be ascertained from the returns made to the State district executive committee by the county chairman, as provided for by this act, and each county delegation shall cast the vote of its county accordingly in its convention. At the end of each ballot cast, the candidate receiving the smallest vote shall be dropped from the list of candidates to be voted for on the next ballot. Each county delegation upon each ballot cast for candidates being voted for, shall cast for each of such candidates his pro rata part of the county vote, as above ascertained, as long as the

name of such candidate is before the convention. Whenever the name of any candidate is withdrawn from the convention as above provided, then the delegation of each county may cast the instructed vote or any part thereof of such county for such withdrawn candidate for any other candidate whose name is then before the convention, as the delegation may decide. The convention shall continue to ballot until some one of the candidates balloted for shall receive a majority of all the votes of the convention when he shall be declared the nominee of the party for the office for which he is nominated. Each county in the State convention shall be entitled to one vote for each three hundred votes or major fraction thereof, cast for the candidate for Governor of the political party holding a convention at the last preceding general election.

In case at such general election there were cast for such candidate for Governor less than three hundred votes in any county, then all such organized counties shall have one vote.

FAULK.
GLASSCOCK.
TERRELL.

Senator Chambers offered the following amendment to the amendment:

Amend the amendment by inserting after word majority, or plurality.

CHAMBERS.

MOTION TO ADJOURN LOST.

Pending prolonged discussion of the amendments, Senator Griggs moved that the Senate adjourn till tomorrow morning at 9:30.

The motion was lost by the following vote:

Yeas—6.

Beaty.	Griggs.
Decker.	Harper.
Glasscock.	Martin.

Nays—20.

Barrett.	Holland.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Paulus.
Faulk.	Skinner.
Faust.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Hawkins.	Storm.
Hill.	Willacy.

Absent—5.

Harbison.	Terrell.
Smith.	

Absent—Excused.

Hicks.	Meachum.
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Question then recurring on the amendment to the amendment, and Senator Looney moved to table the same, which motion was adopted by the following vote:

Yeas—19.

Barrett.	Looney.
Brachfield.	McKamy.
Davidson.	Paulus.
Decker.	Skinner.
Faust.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Storm.
Hawkins.	Willacy.
Hill.	

Nays—7.

Beaty.	Harper.
Chambers.	Holland.
Faulk.	Terrell.
Glasscock.	

Absent—4

Harbison.	Smith.
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Absent—Excused.

Hicks.	Meachum.
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Senator Decker offered the following amendment to the (Faulk) amendment:

Amend the amendment by adding after the word nominated the words:

Provided in all counties where less than twelve hundred poll tax receipts shall have been issued the county executive committee of any political party may, by resolution adopted by a majority of such committee, exempt such political party of such county from holding a primary election for the purpose of nominating candidates for county offices.

On motion of Senator Chambers the amendment to the amendment was tabled by the following vote:

Yeas—19.

Barrett.	Looney.
Beaty.	McKamy.
Brachfield.	Paulus.
Chambers.	Skinner.
Davidson.	Stafford.
Faulk.	Stokes.
Grinnan.	Stone.
Hanger.	Storm.
Harper.	Terrell.
Hill.	

Nays—7.

Decker.	Holland.
Faust.	Martin.
Griggs.	Willacy.
Hawkins.	

Absent.

Glasscock. Smith.
Harbison.

Absent—Excused.

Hicks. Meachum.

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

Yeas—17.

Barrett.	McKamy.
Brachfield.	Paulus.
Davidson.	Skinner.
Decker.	Stafford.
Faust.	Stokes.
Hanger.	Stone.
Hawkins.	Storm.
Hill.	Willacy.
Looney.	

Nays—10.

Beaty.	Grinnan.
Chambers.	Harper.
Faulk.	Holland.
Glasscock.	Martin.
Griggs.	Terrell.

Absent.

Harbison. Smith.

Absent—Excused.

Hicks. Meachum.

Senator Davidson moved the previous question on the bill, which being duly seconded, was so ordered.

The bill was read second time and ordered engrossed.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Paulus.
Faulk.	Skinner.
Faust.	Stafford.
Glasscock.	Stokes.
Griggs.	Stone.
Grinnan.	Storm.
Hanger.	Terrell.
Hawkins.	Willacy.

Nays—1.

Harper.

Absent.

Harbison. Smith.

Absent—Excused.

Hicks. Meachum.

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Paulus.
Faulk.	Skinner.
Faust.	Stafford.
Glasscock.	Stokes.
Griggs.	Stone.
Grinnan.	Storm.
Hanger.	Terrell.
Hawkins.	Willacy.

Nays—3.

Decker. Martin.
Harper.

Absent.

Harbison. Smith.

Absent—Excused.

Hicks. Meachum.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion was adopted.

SIMPLE RESOLUTION.

Senator Davidson offered the following simple resolution, which was read and adopted:

Hon. George D. Neal, President of the Senate:

Whereas, there is now projected a canal along the inland waterways of the State of Texas and Louisiana, from the mouth of the Rio Grande to its junction with the Mississippi River at Donaldsonville or New Orleans, Louisiana. and

Whereas, the actual survey of the inland waterway has been partly made and the preliminary survey of the remainder of said canal by the United States Government through its duly accredited civil engineers, under an act of Congress passed March 3, 1905, directing said survey to be made to determine the feasibility of said inland waterway canal, and

Whereas, said civil engineers have reported and recommended favorably the opening of said inland waterways canal and have reported same to be feasible at a reasonable cost and have

recommended the opening of said inland waterways where it is now opened and navigable through the natural rivers lakes, bayous and bays with which said canal connects, and

Whereas, said inland waterways canal will be of inestimable financial benefit to the entire State of Texas, as in connection with the Mississippi River and its tributary and will be, and is the basis upon which the navigable rivers of the State of Texas can be opened to navigation, and

Whereas, the duly accredited committee representing the section of the State of Texas interested in the opening of the said inland waterways and the rivers and bayous emptying into same has been, and is now, actually at work furthering the opening of said inland waterways through the Congressmen representing the States of Texas and Louisiana, before the Rivers and Harbors Committee at Washington, and

Whereas, the duties of said committee to furnish the necessary data showing the Rivers and Harbors Committee the advisability of opening said inland waterways and the said information is to be based upon the inward bound and outward bound freight tonnage in the territory reasonably tributary to said inland waterways, and the rivers and bayous emptying therein. Now, therefore be it

Resolved by the Senate of the State of Texas: That the Railroad Commission be required to furnish the Senate branch of the Second Special Session of the Twenty-ninth Legislature of the State, or if same be adjourned, then to file said report with the Secretary of State, amount of the above specified freight tonnage that is delivered into or originating in the counties whose boundary lines are within approximately 100 miles of the Gulf of Mexico, and in addition thereto, the counties touched by or through which the following streams flow.

The Sabine River up to and including the County of Shelby.

The Neches River up to and including the County of Nacogdoches.

The Trinity River up to and including the County of Tarrant.

The San Jacinto River up to and including the County of Liberty.

The Brazos River up to and including the County of McLennan.

The Colorado River up to and including the County of Travis.

The Rio Grande River up to and including the County of Webb.

The Guadalupe River up to and including the County of Gonzales.

That said information may be used by the representatives of the State of Texas (as coming from official

source) before the Rivers and Harbors Committee in the United States Congress in urging the opening of the said inland waterways and navigable streams reaching and flowing into same; and for the information of the Senate of the State of Texas the letter of C. K. Kiuchell, Secretary of the Board of Trade of Galveston, Texas, is herewith attached and made a part hereof.

DAVIDSON.
WALLACY.

Galveston, Texas, March 19, 1906.

Hon. A. B. Davidson, Cuero, Texas.

Dear Senator Davidson—As desired, I am writing to call your attention to a motion duly carried at the executive committee meeting in Cuero last Friday as follows:

This committee requests that Senator Davidson confer with the Railroad Commission of Texas with a view of obtaining from their office statistical information of freight tonnage upon which to base a report to Captain Edgar Jadwin, United States Corps of Engineers, in order to secure favorable indorsement and recommendation for the Interstate Inland Waterway project; and further, for Senator Davidson to consider the advisability of having the State Senate at its ensuing called session, endorse a resolution presented by him, calling on the Railroad Commission for said information in case such proceeding is proper and necessary to the end in view.

Now, you remember, Senator, there was some question about just what information would be wanted from the Railroad Commission and I take the liberty of enclosing a copy of blank which our committee prepared and sent out. It was the idea to show the tonnage received at different places, not requiring origin, but believing that statistics showing the quantities of these articles received at different places would give a fair representation of the amount of freight business in bond at all points. This would show the amount of freight received at Cuero, for example, from all points, State or interstate, from which various practical estimates could be made of saving in freight charges through water navigation. Then, on the other hand, the blank shows various articles of freight forwarded calling only for the plain tonnage estimate, not considering whether it goes State or interstate. In thus separating the lists of articles received and forwarded, we aimed to avoid the duplication of statistics. In other words, we would not want to take the tonnage of articles under freight list received at Cuero and show the same tonnage of articles under freight forwarded from Houston, for example, because that, you

see, would mean using those same tonnage figures twice. In sending out these blanks we covered the Rio Grande river from Laredo south and San Antonio, Austin, Waco and east thereof across the State and other places, if not all, the more prominent ones intermediate therewith to the projected waterway. The benefit through navigation will accrue just the same to points not on the waterway by reason of the lower rates produced by navigation to nearest waterway basing points.

An accompanying motion was adopted by the executive committee, calling upon the chairman and secretary to assist you in acting under the first motion, as you may deem best.

Yours truly,

C. R. KITCHELL.

Copy to Mr. C. S. E. Holland, Chairman, Victoria, Texas.
Enclosure.

PRESIDENT PRO TEM—ELECTION OF.

The Chair here announced that the election of a President Pro Tem for this session, as provided by the Constitution, was in order.

Senator Hawkins placed in nomination Senator J. J. Faulk.

The motion was seconded by Senators Glasscock and Stafford.

There were no other nominations.

Senators Barrett, Chambers and Skinner were appointed as tellers.

The result of the vote was: For, 26; against, 0.

Senator Faulk having received all the votes cast, was declared duly and constitutionally elected, and was escorted to the President's stand by Senators Glasscock and Hawkins.

Senator Faulk extended his thanks to the Senate for the honor in his usual way.

ADJOURNMENT.

On motion of Senator Chambers, the Senate, at 6 o'clock, adjourned till tomorrow morning at 10 o'clock.

APPENDIX A.

SENATE BILL NO. 1.

A Bill to be entitled an Act to amend Section 120 of Chapter II, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled an Act to regulate elections and provide penalties for its violation and to repeal the Acts of the Twenty-eight Legislature of 1903, regulating elections, general, special and primary and political conventions, approved April 1, 1903.

Be it enacted by the Legislature of the State of Texas:

Section 1.—That Section 120, of Chapter Second, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, be and is hereby amended so as to hereafter read as follows:

Section 120.—The candidate for any county office who received either a plurality or majority vote of all the votes cast in his county, as provided for in section one hundred and eleven of this Act, shall be entitled to be placed upon the official ballot as a candidate of his party for the office for which he was nominated. Candidates for all State and District offices shall, in the nominating convention, have prorated among them the convention vote of each county in proportion to the vote cast for each candidate in the primary election in such county.

In district and State conventions, at the end of each ballot cast, the candidate receiving the smallest vote shall be dropped from the list of candidates to be voted for on the next ballot. Each county delegation upon each ballot cast for candidates being votes for, shall cast for each of such candidates the vote of his county or his pro rata part of the county vote, as long as the name of such candidate is before the convention. Whenever the name of any candidate is withdrawn or dropped from the convention, then the delegation of each county may cast the instructed vote of any part hereof of such county for such dropped or withdrawn candidate for any other candidate whose name is then before the convention, as the delegation may decide. The convention shall continue to ballot until some one of the candidates balloted for shall receive a majority of all the votes of the convention, when he shall be declared the nominee of the party for the office for which he is nominated. Each county in the State or District convention shall be entitled to one vote for each three hundred votes or major fraction thereof, cast for the candidate for Governor of the political party holding the convention at the last preceding general election. In case at such general election there were cast for such candidate for Governor less than three hundred votes in any county, then all such counties shall have one vote. The result of the nominating convention of a district shall be certified by the Chairman thereof to the County Clerks of the counties composing such district, and of a State Convention to the Secretary of State, who shall in turn certify the same to all County Clerks.

Section 2.—The fact that an error

was made in the enrollment of section one hundred and twenty of said Chapter II. of the Acts of the Twenty-ninth Legislature, and the fact of the importance of the provision of said section to the people of the State of Texas, creates an emergency and an imperative public necessity requiring bills to be read on three several days be suspended, and that this bill shall take effect from and after its passage, and it is so enacted.

LOONEY.
WILLACY.
SKINNER.
BRACHFIELD.
STAFFORD.
McKAMY.
HAWKINS.
STONE.
FAUST.
HILL.
PAULUS.
BEATY.
HANGER.

SECOND DAY.

Senate Chamber, Austin, Texas,
Tuesday, March 27, 1906.

Senate met pursuant to adjournment,
Lieutenant Governor George D. Neal
presiding.

Roll call, quorum present, the fol-
lowing senators answering to their
names:

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Harbison.	Storm.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Hicks.

Prayer by the Chaplain, Rev. H. M.
Sears, as follows:

"Almighty and everlasting God, who
art always more ready to hear than we
to pray and who are able to give us
more than we desire or deserve, pour
out Thy blessings upon us and let the
abundance of Thy mercy pursue each
of us. Forgive us our sins, absolving
us from all crime. Send Thy holy
spirit to teach us the way we should

go, that we may faithfully discharge
every duty of this day and all the days
of future life. We ask it for Christ's
sake. Amen.

Pending the reading of the Journal
yesterday, on motion of Senator Loo-
ney, the same was dispensed with.

OATH OF OFFICE ADMINISTERED.

Senator Hawkins raised a point of
order that the Senate had, by oversight,
failed to administer the oath of office
to President Pro Tem Faulk, elected
for the term, on yesterday, whereupon
the oath of office was administered.

SENATE JOINT RESOLUTION NO. 1.

Here the Chair laid before the Sen-
ate, Senate joint resolution No. 1 rela-
tive to the memory of the late James
S. Hogg (see Journal of yesterday for
memorial page, as provided).

Senators Hawkins, Glasscock, Faulk,
Stafford, Looney, Skinner, Grinnan,
spoke to the resolution.

The resolution was read and unani-
mously adopted by a rising vote.

EXECUTIVE SESSION POSTPONED.

The time for the executive session
to consider appointments sent to the
Senate by the Governor on yesterday
having arrived, the Chair so announced
and

On motion of Senator Hawkins the
time for same was postponed till 12
o'clock.

BILLS AND RESOLUTIONS.

S. B. No 3. By Faulk and Willacy.

A bill to be entitled "An Act appro-
priating twenty thousand (\$20,000)
dollars to pay mileage and per diem of
Members and per diem of Officers and
employees of the Second Called Session
of the Twenty-ninth Legislature, con-
vened on 26th of March, 1906, by pro-
clamation of the Governor."

Read first time and referred to Com-
mittee on Finance.

By Senator Faulk:

S. B. No. 4. By Faulk, Willacy and
others.

A bill to be entitled "An Act appro-
priating five hundred (\$500) dollars to
pay the contingent expenses of the
Second Called Session of the Twenty-
ninth Legislature."

Read first time and referred to Com-
mittee on Finance.

S. C. R. No. 1.

Griggs, Beaty and McKamy:

Whereas, There is being made a
strenuous effort in the Congress of the